

Our File No. 104838

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TOSHA DICKERSON, Plaintiff(s), v. TIMARIOUS KEYONTAE TRAINER EDWARDS, TIMARIOUS EDWARDS, WESTERN EXPRESS, INC., and WESTERN EXPRESS TRANSPORT OF PENNSYLVANIA, INC., Defendants.	DOCKET NO.
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NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Defendants, Timarious Edwards (i/p/a Timarious Keyontae Trainer Edwards and Timarious Edwards) and Western Express, Inc. (i/p/a Western Express, Inc. and Western Express Transport of Pennsylvania, Inc.), by and through their attorneys Salmon Ricchezza Singer & Turchi, LLP, herein file their Notice to Remove this matter from the Court of Common Pleas, Philadelphia County, Pennsylvania, where it is currently pending, to the United States District Court for the Eastern District of Pennsylvania.

1. Plaintiff, Tosha Dickerson, filed a Complaint in the Pennsylvania Court of Common Pleas, Philadelphia County, entitled *Tosha Dickerson v. Timarious Keyontae Trainer Edwards, Timarious Edwards, Western Express, Inc., and Western Express Transport of Pennsylvania, Inc.*, on November 29, 2022 at Docket Number 221001053 and this action is currently pending in that Court. (See Plaintiffs' Complaint, attached as Exhibit "A.")

2. Plaintiff's Complaint alleges personal injuries from a motor vehicle accident on or about January 5, 2021 in Bentleyville, Washington County, Pennsylvania while in the course of her employment as a result of defendants' alleged negligence. (See Exhibit "A.")

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) and this action may be removed by Defendants pursuant to 28 U.S.C. § 1441(a) because it is a civil action wherein: (a) there is complete diversity of citizenship among the parties; and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

3. There is complete diversity of citizenship between Plaintiff and Defendants in this action as follows:

- a. At the time this action was commenced and continuing to the present, Plaintiff Tosha Dickerson was and is a citizen of the Commonwealth of Pennsylvania.
(See Exhibit "A");
- b. At the time this action was commenced and continuing to the present, Defendant Timarious Edwards (i/p/a Timarious Keyontae Trainer Edwards and Timarious Edwards) was and is a citizen of the State of Texas;
- c. At the time this action was commenced and continuing to the present, Defendant Western Express, Inc. (i/p/a Western Express, Inc. and Western Express Transport of Pennsylvania, Inc.) was and is a corporation organized under the laws of the State of Tennessee with its principal place of business in the State of Tennessee.

4. Plaintiffs' Complaint, together with Plaintiffs' pre-suit damages disclosures, confirm Plaintiff alleges an amount in controversy in excess of the federal jurisdictional threshold of \$75,000, exclusive of interests and costs, *inter alia*, as follows:

- a. Plaintiff's Complaint alleges as a result of the subject accident she sustained injuries to her neck, low back, left leg, head, cervical lordosis, disc bulges at C3-4, C4-5 and L4-5, disc herniation at L5-S1, lumbar radiculopathy and headaches, for which she has been compelled to spend unspecified sums of money for treatment including unspecified surgery, as well as, lost earnings, loss of earning capacity, physical pain and mental anguish. (See Exhibit "A" at ¶¶ 37-40);
 - b. Plaintiff's Complaint contains four counts, each of which demands damages against defendants in excess of \$50,000.00. (See Exhibit "A" at Counts I-IV, *Ad Damnum* Clauses);
 - c. As of January 7, 2022, Plaintiff's workers compensation lien arising from the accident totals \$61,448.76, consisting of \$29,440.17 in medicals and \$32,008.59 in indemnity. (See January 7, 2022 Workers' Compensation Lien Letter, attached as Exhibit "B.")
 - d. Plaintiff alleges an additional lost wages not covered by workers' compensation indemnity of \$12,434.14. (See Plaintiff's Former Counsel's Wage Loss Calculation Provided in Pre-Complaint Discovery, attached as Exhibit "C.")
5. Plaintiff's alleged economic damages alone total \$73,882.90, exclusive of any damages for pain, suffering, mental anguish relating to her alleged injuries and treatment including surgery and/or loss of future earning capacity.
6. Therefore, by a preponderance of competent, credible evidence Plaintiff alleges an amount in controversy exceeding the \$75,000 federal jurisdictional threshold, exclusive of interests and costs.

7. The within Notice of Removal is timely, having been filed within 30 days of the filing of Plaintiffs' Complaint.

8. There are no other defendants named in this matter or who have been joined and served whose consent to removal is required pursuant to 28 U.S.C. § 1446.

WHEREFORE, defendants Timarious Edwards and Western Express, Inc., request that this action be removed from the Court of Common Pleas, Philadelphia County, to the United States District Court for the Eastern District of Pennsylvania.

SALMON, RICCHEZZA, SINGER & TURCHI LLP

By: */s/ Jonathan C. Springer, Esq.*
Jonathan C. Springer, Esquire
*Attorneys for Defendants, Timarious
Edwards and Western Express, Inc.*

Dated: December 13, 2022